

**CITY OF NEWARK
DELAWARE
BOARD OF ADJUSTMENT**

NOTICE OF APPEAL

FOR OFFICE USE ONLY:

APPEAL NO.: 23 - BA - G DATE RECEIVED: 06/23/2023

PROPERTY LOCATION: 109 Timberline Dr

APPLICANT: Kimberly Sprout

DATE OF HEARING: 07/20/2023

DATE HEARING ADVERTISED: _____

FEE PAID, RECEIPT NO. \$ 305.00 check no. #6105

Please complete and have notarized the Notice of Appeal and submit it along with plans to the Board of Adjustment Secretary, City Secretary's Office, 220 South Main Street, Newark, DE 19711.

1. I/We, Kimberly Sprout
109 Timberline Drive, Newark, DE 19711 302-528-9227
(Mailing Address) (Phone No.)
request a determination by the Board of Adjustment on the following appeal, which was denied by the Building Department on May 23, 2023

2. The purpose of the appeal is to request: _____

A. ☒ A variance to Chapter 32, Section 32. Sec. 32-9 (c) (6) related to:

- ☐ Area
- ☐ Frontage
- ☐ Side Yard
- ☒ Rear Yard
- ☐ Height (sign)
- ☐ Use
- ☐ Parking
- ☐ Other: _____

B. ☐ An interpretation.

C. ☐ A special exception (in special sign district only).

3. Description of the property:

A. Street location, lot number: 109 Timberline Drive, Lot 151 Timber Creek

B. Present use: Single Family Home, backyard

C. Proposed use: Single Family Home, backyard with addition of deck and screened porch

D. Zoning district: Zoned RS

4. I/We believe that the Board of Adjustment should approve this request because: (please state the exceptional practical difficulty in using the property for a proposed use. If an interpretation is requested, state grounds for interpretation.)

The addition of a screened porch and deck will make the backyard a more usable, enjoyable outdoor space. Many of the houses in the neighborhood have decks, porches, and/or sunrooms so this project is not out of character for the house or the neighborhood.

(If additional space is necessary, please attach to form.)

5. Has a previous application for an appeal been filed? No
(If you are not sure, contact the Board of Adjustment secretary at 366-7000.)

6. What is applicant's interest in the premises affected?
(Owner, agent, lessee, etc.)

Owner

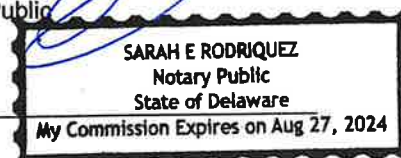
I hereby certify that all of the statements in this Notice of Appeal and attached plans are true to the best of my knowledge.

[Signature]
(Applicant's signature)

Sworn to and subscribed before me, this 23rd day of June, 2023

[Signature]
Notary Public

My Commission Expires





PLANNING & DEVELOPMENT
CITY OF NEWARK

220 South Main Street · Newark, Delaware 19711
302.366.7000 · Fax 302.366.7160 · www.newarkde.gov

May 23, 2023

Kimberly Sprout
109 Timberline Drive
Newark, DE 19711

RE: 109 Timberline Drive – Proposed Screen Porch and Deck - Permit Denial (202300519)

Dear Kimberly:

*The Planning and Development Department has reviewed your permit request **202300519** to construct a 24' x 12' screen porch and a 14'6" x 12' deck in the rear yard of your home at 109 Timberline Drive, zoned RS. The request has been denied due to the City Code provisions below:*

- *Sec. 32-9 (c) (6) Rear Yards. Except as specified in Article XVI, Section 32-56.2 (e)(1), (2), (3) of this chapter, a rear yard shall be provided on every lot and shall be as follows:*
 - *Interior lots:*
 - *(c) RS – 30 feet*
 - *Corner lots:* In an RH, RT, RS, and RE district, the rear yard may be reduced 20% in depth to allow for the "skewing" of a residential dwelling on the lot.
- On a corner lot, the required rear yard setback is 24 feet. Your proposed plans show a rear yard setback of 16 feet. A variance of 8 feet is required.

You may seek a variance by completing the enclosed application for a hearing before the Board of Adjustment and submitting it along with a fee of Three Hundred and Five dollars (\$305) to the City Secretary's office. This fee is non-refundable and is for the cost of the hearing, whether the Board of Adjustment grants or denies the variance. Please note as well that as per Code Section 32-63, should you request a continuance of an appeal to the Board other than the meeting for which you have applied, another One-Hundred Eighty dollars (\$180) fee will be required. If you have any questions or concerns, please feel free to contact me at (302) 366-7000 ext. 2044.

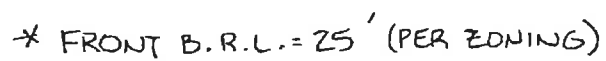
Sincerely,

Jacob Higgins

Community Planner

Attachment: BOA Application

**Cc: Renee Bensley, Director of Planning and Development
Jessica Ramos-Velazquez, Deputy Director of Planning and Development
George DeBenedictis, Code Enforcement Manager
Brian Sargeni, Code Enforcement Officer
Tara Schiano, City Secretary**



**Mortgage Inspection Plan
For
Kimberly L. Sprout
109 Timberline Drive
Lot 151 Timber Creek
City of Newark**